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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1646

DWORETZKY ET AL.

Examiner: MURPHY, JOSEPH F.

APPLICATION NO: 09/866,020

FILED: MAY 24, 2001

FOR: HUMAN KCNQ5 POTASSIUM CHANNEL, METHODS AND  
COMPOSITIONS THEREOF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

FEE LETTER FOR INFORMATION DISCLOSURE STATEMENT

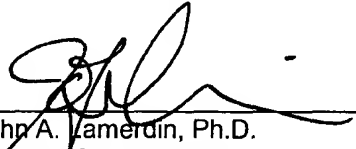
Sir:

Please charge Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company in the amount of \$180 for payment of the fee pursuant to 37 CFR §1.17(p) for the submission of an Information Disclosure Statement under 37 CFR §1.97(c).

An additional copy of this paper is here enclosed. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Respectfully submitted,

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
609-252-3575  
Date: 8/6/03

  
John A. Jamerdin, Ph.D.  
Attorney for Applicants  
Reg. No: 44,858



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COMPOSITIONS THEREOFCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**Statement of Public Access to ATCC Deposit No. PTA-1924**

Applicants representative hereby gives the following assurance by signature below:

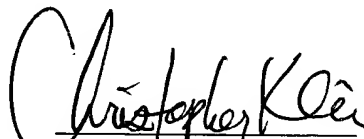
Bristol-Myers Squibb Company, an assignee of the present application, has deposited biological material under the terms of the Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure with the following International Depository Authority: American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, Virginia 20110-2209. This deposit comprises cDNA (in pcDNA3.1) encoding the human KCNQ5 polypeptide of the present invention. The deposit for the cDNA encoding human KCNQ5 was received and accepted on May 26, 2000, and given ATCC Accession Number PTA-1924.

In accordance with MPEP 2410.01 and 37 C.F.R. §1.808, assurance is hereby given that all restrictions on the availability to the public of ATCC Accession Number PTA-1924 will be irrevocably removed upon the grant of a patent based on the captioned application, except as permitted under 37 C.F.R. §1.808(b).

A copy of the ATCC Deposit receipt for Accession Number PTA-1924 is enclosed herewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher Klein", written over a horizontal line.

Christopher Klein  
Senior Counsel  
Reg. No. 34,363

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
609-252-3953

Date: 8-6-03

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

**To: (Name and Address of Depositor or Attorney)**

Bristol-Myers Squibb Company  
Attn: Steven Dworetzky, Ph.D.  
Department 405  
5 Research Parkway  
Wallingford, CT 06492

**Deposited on Behalf of:** Bristol-Myers Squibb Company

<b>Identification Reference by Depositor:</b>	<b>Patent Deposit Designation</b>
Full length cDNA clone derived from a human brain cDNA library: hKCNQ5	PTA-1924

The deposit was accompanied by:    a scientific description a proposed taxonomic description indicated above.

The deposit was received May 26, 2000 by this International Depository Authority and has been accepted.

**AT YOUR REQUEST:**   X   We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested June 7, 2000. On that date, the culture was viable.

**International Depository Authority:** American Type Culture Collection, Manassas, VA 20110-2209 USA.

**Signature of person having authority to represent ATCC:**

  
Barbara E. Coupé, Administrator, Patent Depository

**Date:** June 13, 2000

cc: Christopher Klein and Leslie Serunian (Ref: Docket or Case No.: 3053-4091)